

**WOODROW & PELUSO, LLC**

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*\*Pro Hac Vice*

*Attorneys for Plaintiff and the Putative Class*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**CAROL COREN and STEWART  
SMITH,**

Plaintiffs,

v.

**AUTOMOTIVE SERVICE  
CENTER, LLC**

Defendant.

Case No. 2:20-cv-02002-TLN-DB

**PLAINTIFF'S NOTICE OF  
VOLUNTARY DISMISSAL**

1 Plaintiff dismisses this lawsuit against Defendant without prejudice.

2 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

3 (a) Voluntary Dismissal.

4 **(1) By the Plaintiff.**

5 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66  
6 and any applicable federal statute, the plaintiff may dismiss an action  
7 without a court order by filing:

8 (i) a notice of dismissal before the opposing party serves either an  
9 answer or a motion for summary judgment; or

10 (ii) a stipulation of dismissal signed by all parties who have appeared.

11 (B) *Effect.* Unless the notice or stipulation states otherwise, the  
12 dismissal is without prejudice. But if the plaintiff previously  
13 dismissed any federal- or state-court action based on or including the  
14 same claim, a notice of dismissal operates as an adjudication on the  
15 merits.

16 In this case, Defendant has neither answered Plaintiff's Complaint nor served a  
17 motion for summary judgment. In addition, no class has been certified in this matter  
18 so Rule 23's exceptions do not apply. Likewise, this case does not involve any  
19 Receiver so as to implicate Rule 66.

20 Accordingly, Plaintiff hereby dismisses these proceedings without prejudice in  
21 accordance with Rule 41(a)(1)(i).

22 Respectfully Submitted,

23 Dated: November 10, 2020

24 By: /s/ Patrick H. Peluso  
25 One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on November 10, 2020.

/s/ Patrick H. Peluso